

AMENDMENTS TO LB 819

Introduced by Government, Military and Veterans Affairs

1 1. Strike original sections 2 to 4 and insert the
2 following new sections:

3 Sec. 2. Section 69-1302, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 69-1302 The following property held or owing by a banking
6 or financial organization or by a business association is presumed
7 abandoned:

8 (a) Any demand, savings, or matured time deposit that
9 is not automatically renewable made in this state with a banking
10 organization, together with any interest or dividends thereon,
11 excluding any charges that may lawfully be withheld, unless the
12 owner has, within five years:

13 (1) Increased or decreased the amount of the deposit, or
14 presented the passbook or other similar evidence of the deposit for
15 the crediting of interest or dividends; or

16 (2) Corresponded in writing with the banking organization
17 concerning the deposit; or

18 (3) Otherwise indicated an interest in the deposit as
19 evidenced by a memorandum or other record on file with the banking
20 organization; or

21 (4) Owned other property to which subdivision (a)(1),
22 (2), or (3) applies and if the banking organization corresponds
23 in writing with the owner with regard to the property that would

1 otherwise be presumed abandoned under subdivision (a) of this
2 section at the address to which correspondence regarding the other
3 property regularly is sent; or

4 (5) Had another relationship with the banking
5 organization concerning which the owner has:

6 (i) Corresponded in writing with the banking
7 organization; or

8 (ii) Otherwise indicated an interest as evidenced by a
9 memorandum or other record on file with the banking organization
10 and if the banking organization corresponds in writing with the
11 owner with regard to the property that would otherwise be abandoned
12 under subdivision (a) of this section at the address to which
13 correspondence regarding the other relationship regularly is sent.

14 (b) Any funds paid in this state toward the purchase of
15 shares or other interest in a financial organization or any deposit
16 that is not automatically renewable, including a certificate of
17 indebtedness that is not automatically renewable, made therewith in
18 this state, and any interest or dividends thereon, excluding any
19 charges that may lawfully be withheld, unless the owner has within
20 five years:

21 (1) Increased or decreased the amount of the funds or
22 deposit, or presented an appropriate record for the crediting of
23 interest or dividends; or

24 (2) Corresponded in writing with the financial
25 organization concerning the funds or deposit; or

26 (3) Otherwise indicated an interest in the funds or
27 deposit as evidenced by a memorandum or other record on file with

1 the financial organization; or

2 (4) Owned other property to which subdivision (b) (1),
3 (2), or (3) applies and if the financial organization corresponds
4 in writing with the owner with regard to the property that would
5 otherwise be presumed abandoned under subdivision (b) of this
6 section at the address to which correspondence regarding the other
7 property regularly is sent; or

8 (5) Had another relationship with the financial
9 organization concerning which the owner has:

10 (i) Corresponded in writing with the financial
11 organization; or

12 (ii) Otherwise indicated an interest as evidenced by a
13 memorandum or other record on file with the financial organization
14 and if the financial organization corresponds in writing with the
15 owner with regard to the property that would otherwise be abandoned
16 under this subdivision (b) of this section at the address to which
17 correspondence regarding the other relationship regularly is sent.

18 (c) A holder may not, with respect to property described
19 in subdivision (a) or (b) of this section, impose any charges
20 solely due to dormancy or cease payment of interest solely due
21 to dormancy unless there is a written contract between the holder
22 and the owner of the property pursuant to which the holder may
23 impose reasonable charges or cease payment of interest or modify
24 the imposition of such charges and the conditions under which
25 such payment may be ceased. A holder of such property who imposes
26 charges solely due to dormancy may not increase such charges
27 with respect to such property during the period of dormancy.

1 The contract required by this subdivision may be in the form of
2 a signature card, deposit agreement, or similar agreement which
3 contains or incorporates by reference (1) the holder's schedule of
4 charges and the conditions, if any, under which the payment of
5 interest may be ceased or (2) the holder's rules and regulations
6 setting forth the holder's schedule of charges and the conditions,
7 if any, under which the payment of interest may be ceased.

8 (d) (1) Any time deposit that is automatically renewable,
9 including a certificate of indebtedness that is automatically
10 renewable, made in this state with a banking or financial
11 organization, together with any interest thereon, seven years
12 after the expiration of the initial time period or any renewal time
13 period unless the owner has, during such initial time period or
14 renewal time period:

15 (i) Increased or decreased the amount of the deposit, or
16 presented an appropriate record or other similar evidence of the
17 deposit for the crediting of interest;

18 (ii) Corresponded in writing with the banking or
19 financial organization concerning the deposit;

20 (iii) Otherwise indicated an interest in the deposit as
21 evidenced by a memorandum or other record on file with the banking
22 or financial organization;

23 (iv) Owned other property to which subdivision (d) (1) (i),
24 (ii), or (iii) of this section applies and if the banking or
25 financial organization corresponds in writing with the owner with
26 regard to the property that would otherwise be presumed abandoned
27 under subdivision (d) of this section at the address to which

1 correspondence regarding the other property regularly is sent; or

2 (v) Had another relationship with the banking or
3 financial organization concerning which the owner has:

4 (A) Corresponded in writing with the banking or financial
5 organization; or

6 (B) Otherwise indicated an interest as evidenced by
7 a memorandum or other record on file with the banking or
8 financial organization and if the banking or financial organization
9 corresponds in writing with the owner with regard to the property
10 that would otherwise be abandoned under subdivision (d) of this
11 section at the address to which correspondence regarding the other
12 relationship regularly is sent.

13 (2) If, at the time provided for delivery in section
14 69-1310, a penalty or forfeiture in the payment of interest would
15 result from the delivery of a time deposit subject to subdivision
16 (d) of this section, the time for delivery shall be extended until
17 the time when no penalty or forfeiture would result.

18 (e) Any sum payable on checks certified in this state
19 or on written instruments issued in this state on which a
20 banking or financial organization or business association is
21 directly liable, including, by way of illustration but not of
22 limitation, certificates of deposit that are not automatically
23 renewable, drafts, money orders, and traveler's checks, that, with
24 the exception of money orders and traveler's checks, has been
25 outstanding for more than five years from the date it was payable,
26 or from the date of its issuance if payable on demand, or, in
27 the case of (i) money orders, that has been outstanding for more

1 than seven years from the date of issuance and (ii) traveler's
2 checks, that has been outstanding for more than fifteen years from
3 the date of issuance, unless the owner has within five years, or
4 within seven years in the case of money orders and within fifteen
5 years in the case of traveler's checks, corresponded in writing
6 with the banking or financial organization or business association
7 concerning it, or otherwise indicated an interest as evidenced by
8 a memorandum or other record on file with the banking or financial
9 organization or business association.

10 (f) Any funds or other personal property, tangible
11 or intangible, removed from a safe deposit box or any other
12 safekeeping repository or agency or collateral deposit box in
13 this state on which the lease or rental period has expired due
14 to nonpayment of rental charges or other reason, or any surplus
15 amounts arising from the sale thereof pursuant to law, that have
16 been unclaimed by the owner for more than five years from the date
17 on which the lease or rental period expired.

18 (g) For the purposes of this section failure of the
19 United States mails to return a letter, duly deposited therein,
20 first-class postage prepaid, to the last-known address of an owner
21 of tangible or intangible property shall be deemed correspondence
22 in writing and shall be sufficient to overcome the presumption
23 of abandonment created herein. A memorandum or writing on file
24 with such banking or financial organization shall be sufficient to
25 evidence such failure.

26 Sec. 3. Any military medal that is removed from a safe
27 deposit box or any other safekeeping repository or agency or

1 collateral deposit box on which the lease or rental period has
2 expired due to nonpayment of rental charges or other reasons shall
3 not be sold or otherwise disposed of, but shall be retained by the
4 holder for the lessee of the box until reported and delivered to
5 the State Treasurer in accordance with this section. Such report
6 shall be made in compliance with section 69-1310. The holder shall,
7 at the time of filing the report and with the report, deliver the
8 military medal to the State Treasurer for safekeeping by the State
9 Treasurer in accordance with section 4 of this act.

10 Sec. 4. The State Treasurer, upon receiving military
11 medals, shall hold and maintain the military medals for ten years
12 or until the original owner or the owners' respective heirs or
13 beneficiaries can be identified and the military medals returned.
14 After ten years, the State Treasurer may designate a veteran's
15 organization, an awarding agency, or a government entity as the
16 custodian of the military medals. Once the military medals are
17 turned over to a veteran's organization, an awarding agency,
18 or a government entity, the State Treasurer will no longer be
19 responsible for the safe keeping of the military medals.